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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,176	01/29/2004	David Kammer	PALM-3195.PSI.CON	7805
49637	7590	03/14/2006	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			MILORD, MARCEAU	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/769,176

Applicant(s)

KAMMER, DAVID

Examiner

Marceau Milord

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1 and 9 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No.6826387 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the removal of the features of the second wireless transceiver; and the steps of using said service record to locate said legacy application for said second wireless transceiver device; and establishing a communication path from said second wireless transceiver device to said legacy application using said first and second virtual serial ports is not non-obvious over the claims of 6826387 B1, and therefore is not patentably distinct from each other.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singhal et al (US Patent No 66337761 B1) in view of Schuster et al (US Patent No 6577622 B1).

Regarding claim 1, Singhal et al discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for a software application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), said method comprising the steps of: executing said application (col. 6, line 52- col. 7, line 29; col. 9, lines 8-49; col. 10, lines 1-49); opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connection; creating a service record corresponding to said application (col. 4, lines 29-61); and registering in said service record a service name for said software application, wherein said service name is provided by said virtual serial port driver (col. 5, line 28- col. 6, line 12; col. 8, lines 4-43).

However, Singhal et al does not specifically disclose the feature of a transceiver comprising the step of: executing an application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connection.

On the other hand, Schuster et al, from the same field of endeavor, discloses a method for using a portable information device, such as a personal digital assistant, to establish a conference call on a telephony network. For instance, the portable information device 110 linked to the first voice communication device 108 via link 109 may communicate over the data network 106 by connecting via the first access network 112. The link 109 is a wireless link, such as an infrared link specified by the Infrared Data Association or a radio frequency link such as the Bluetooth system (figs. 1-6; col. 5, line 49-col. 6, line 20; col. 7, lines 1-67; col. 9, line 34- col. 10, line 56). Furthermore, the processor 240 may include an operating system, and application and communications software, firmware, or hardware, to implement the functions of the first data network telephone 208 (col. 10, line 50- col. 11, line 32). The processor may also perform

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processing functions, such as compression (col. 12, lines 2-67; col. 14, line 25- col. 16, line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schuster to the communication system of Singhal in order to provide a device and method that can be implemented in Bluetooth-enabled devices and that can be provided service record information.

Regarding claim 2, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), wherein said wireless device (120 of fig. 1) is a Bluetooth-enabled device (col. 3, line 59- col. 4, line 24).

Regarding claim 3, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), wherein said service record is a Service Discovery Protocol service record (col. 4, lines 29-61; col. 5, lines 28-61).

Regarding claim 4, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol and comprises a port emulation entity (col. 8, lines 49-65; col. 9, lines 3-49).

Regarding claim 5, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), comprising the step of: selecting a

RFCOMM channel number for said virtual serial port (col. 8, lines 49-65; col. 9, line 8-col. 10, line 34).

Regarding claim 6, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), comprising the step of: including said RFCOMM channel number in said service name (col. 8, lines 49-65; col. 4, line 31- col. 5, line 22).

Regarding claim 7, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), comprising the step of: deriving said service name from a name for said application (col. 4, line 31- col. 5, line 22).

Regarding claim 8, Singhal et al as modified discloses a method (fig. 1, fig. 4 and fig. 7) for providing a service record for an application running on a virtual serial port in a wireless device (120 of fig. 1; col. 3, line 54- col. 4, line 24), comprising the step of: using a default name for said service name (col. 5, line 28- col. 6, line 18; col. 6, line 52- col. 7, line 27).

Regarding claim 9, Singhal et al discloses a wireless device (120 of fig. 1) comprising: a bus; and comprising processor instructions for performing a method for providing a service record for a software application running on a virtual serial port (col. 3, line 54- col. 4, line 24), said method comprising the steps of: executing said application (col. 6, line 52- col. 7, line 29; col. 9, lines 8-49; col. 10, lines 1-49); opening a virtual serial port for said application, wherein said virtual serial port is opened by a virtual serial port driver and wherein said virtual serial port emulates said serial connector (col. 4, lines 29-61); creating a service record corresponding to

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said application; and registering in said service record a service name for said software application, wherein said service name is provided by said virtual serial port driver (col. 5, line 28- col. 6, line 12; col. 8, lines 4-43).

However, Singhal et al does not specifically disclose the feature of a wireless transceiver unit coupled to said bus and for communicating with other wireless devices; a processor coupled to said bus; and a memory unit coupled to said bus; comprising the step of: executing an application, wherein said application is a legacy application operable to communicate with a peripheral device over a serial connector.

On the other hand, Schuster et al, from the same field of endeavor, discloses a method for using a portable information device, such as a personal digital assistant, to establish a conference call on a telephony network. For instance, the portable information device 110 linked to the first voice communication device 108 via link 109 may communicate over the data network 106 by connecting via the first access network 112. The link 109 is a wireless link, such as an infrared link specified by the Infrared Data Association or a radio frequency link such as the Bluetooth system (figs. 1-6; col. 5, line 49-col. 6, line 20; col. 7, lines 1-67; col. 9, line 34- col. 10, line 56). Furthermore, the processor 240 may include an operating system, and application and communications software, firmware, or hardware, to implement the functions of the first data network telephone 208 (col. 10, line 50- col. 11, line 32). The processor may also perform processing functions, such as compression (col. 12, lines 2-67; col. 14, line 25- col. 16, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schuster to the communication system of Singhal in order to



provide a device and method that can be implemented in Bluetooth-enabled devices and that can be provided service record information.

Regarding claim 10, Singhal et al as modified discloses a wireless device comprising: a bus, wherein said wireless device and said other wireless devices are Bluetooth-enabled devices (col. 3, line 59- col. 4, line 24).

Regarding claim 11, Singhal et al as modified discloses a wireless device comprising: a bus, wherein said service record is a Service Discovery Protocol service record (col. 4, lines 29-61; col. 5, lines 28-61).

Regarding claim 12, Singhal et al as modified discloses a wireless device (120 of fig. 1) comprising: a bus, wherein said virtual serial port driver is substantially compliant with the RFCOMM protocol and comprises a port emulation entity (col. 8, lines 49-65; col. 9, lines 3-49).

Regarding claim 13, Singhal et al as modified discloses a wireless device comprising the step of: selecting a RFCOMM channel number for said virtual serial port (col. 8, lines 49-65; col. 9, line 8-col. 10, line 34).

Regarding claim 14, Singhal et al as modified discloses a wireless device (120 of fig. 1) comprising: a bus; wherein said service name comprises said RFCOMM channel number (col. 8, lines 49-65; col. 9, line 8-col. 10, line 34).

Regarding claim 15, Singhal et al as modified discloses a wireless device (120 of fig. 1) comprising: a bus, wherein said service name is derived from a name for said application (col. 4, line 31- col. 5, line 22).

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Regarding claim 16, Singhal et al as modified discloses a wireless device (120 of fig. 1) comprising: a bus, wherein said service name is a default name (col. 5, line 28- col. 6, line 18; col. 6, line 52- col. 7, line 27).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To H. Doris can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD

Marceau Milord  
Primary Examiner  
Art Unit 2682

  
MARCEAU MILORD  
PRIMARY EXAMINER